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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,966	08/03/2001	Masuyo Horiguchi	045054-0145	8808
22428	7590	04/04/2006	EXAMINER	
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			KNOWLIN, THUAN P	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/920,966	Applicant(s) HORIGUCHI, MASUYO	
	Examiner Thjuan P. Knowlin	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on December 21, 2005 has been entered. No claims have been amended. Claims 1-24 have been cancelled. No claims have been added. Claims 25-42 are still pending in this application, with claims 25, 33, 34, and 39 being independent.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 25-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen et al (US 6,671,370), in view of Kim (US 6,560,467).

4. In regards to claims 25, 27, 33, 34, 37, and 41, Heinonen discloses a portable cellular phone (See Fig. 2, telephone terminal 23, and telephone terminal 24, and col. 1 lines 11-12) and method being constructed integrally of a main body with a speech function, and a screen (See Fig. 2 and screen 27) to display operational contents (See col. 7 lines 10-12 and col. 7 lines 32-39), comprising: a telephone information registering unit including a telephone directory memory in which a plurality of different sounds are stored so as to be associated with a corresponding plurality of pre-registered calling parties (See Abstract, col. 2 lines 26-34, col. 2-3 lines 64-8, col. 3 lines 13-35, and col. 9 lines 56-61); a control section to store in a call history storing

area in a storing unit call history information about an unanswered call that was received (See Fig. 5 and col. 9 lines 20-26); a key (See Fig. 2, conventional 12-key pad 26, and special access key 28) operative to provide control signals to said control section to cause said control section to search said call history storing area in said control section and said telephone directory memory and, upon a match resulting from said searching, cause to output one of said plurality of sounds which corresponds to a pre-registered calling party stored in said telephone directory memory (See col. 7 lines 19-25); wherein when the unanswered call was received, a sound corresponding to a calling party of the unanswered call is output through operation of said key, whereby each of a plurality of different calling parties may be identified by each of a plurality of different sounds in response to operation of said key (See col. 9 lines 27-55).

Heinonen, however, does not disclose a foldable portable cellular phone being constructed of a lid body and, in a manner that said lid body is foldable relative to said main body. Kim, however, does disclose a foldable portable cellular phone (See Fig. 1, Fig. 3, mobile phone 10, and col. 2 lines 60-62) being constructed of a lid body and, in a manner that said lid body is foldable relative to said main body (See col. 1 lines 47-55). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ the features within a foldable portable cellular phone as a way of allowing the user to be able to receive notification of a missed incoming call, while the cellular phone is still in a fold state.

5. In regards to claims 26 and 36, Heinonen discloses the portable cellular phone, wherein said control section is configured to cause to output one of said plurality of

sounds corresponding to a second one of said pre-registered calling parties who called prior to a first one of said pre-registered calling parties in response to multiple successive operations of said key (See col. 7 lines 19-44). Heinonen, however, does not disclose a foldable portable cellular phone. Kim, however, does disclose a foldable portable cellular phone (See Fig. 1, Fig. 3, mobile phone 10, and col. 2 lines 60-62).

6. In regards to claims 28, 32, and 38, Heinonen discloses the portable cellular phone, wherein said sounds are produced by a ringer generator (See col. 6 lines 17-38). Heinonen, however, does not disclose a foldable portable cellular phone. Kim, however, does disclose a foldable portable cellular phone (See Fig. 1, Fig. 3, mobile phone 10, and col. 2 lines 60-62).

7. In regards to claims 29, 39, and 42, Heinonen discloses all of claim 29 limitations, except the foldable portable cellular phone, wherein vibration is employed in addition to said sounds. Kim, however, does disclose the foldable portable cellular phone, wherein vibration is employed in addition to said sounds (See Abstract and col. 1 lines 47-55).

8. In regards to claims 30, 35, and 40, Heinonen discloses the portable cellular phone, wherein said call history information includes the name of a calling party (See Fig. 5). Heinonen, however, does not disclose a foldable portable cellular phone. Kim, however, does disclose a foldable portable cellular phone (See Fig. 1, Fig. 3, mobile phone 10, and col. 2 lines 60-62).

9. In regards to claim 31, Heinonen discloses the portable cellular phone, wherein said call information history includes the time an unanswered call was received (See

Fig. 5). Heinonen, however, does not disclose a foldable portable cellular phone. Kim, however, does disclose a foldable portable cellular phone (See Fig. 1, Fig. 3, mobile phone 10, and col. 2 lines 60-62).

Response to Arguments

10. Applicant's arguments filed 12/21/05 have been fully considered but they are not persuasive. Applicant argues that the Heinonen reference indicates that the keypad or special access key is provided at the handset of the calling party 23, *not* the called party 24. Applicant further states that the keypad or special access key is *not* actuated at the called party's handset to cause generation of a sound or vibration that is stored in association with the calling party, as recited in the present claims.

11. In regards to Applicant's arguments regarding the keypad or special access key (See Fig. 2 and special access key 28), of Heinonen, not being actuated at the called party's handset, but rather at the calling party's handset, Examiner believes that this argument is irrelevant due to the fact that the claims of the present invention, do not recite the key being located specifically at the called party's handset. Furthermore, a called party is not recited in the claims of the present invention. Independent claims 25 and 33 do not mention who actuates or operates the key. The claims merely state that the key is operative... but by whom or what? Independent claims 34 and 39 state that a key is configured to be operated by a user. The term user, however, is very broad. Therefore, the calling party or any other party can simply read on the user.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

13. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin



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